THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20876 OF 2005

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Dt: 23.09.2005

Between:

Seven Hills B.Ed., College

Sponsored by Zilla Vikalangula Sangam,

Rep., by its President, T. Sydamma,

Guntur.

.. Petitioner

AND

The Regional Director,

National Council for Teachers Education,

Bangalore & 4 others.

.. Respondents

ORDER:

The petitioner is a proposed College of Education. With a view to establish a College of Education in Guntur, it submitted application to the National Council of Teachers Education, the 1st respondent herein, in the year 2004. On a consideration of the same, the 1st respondent returned the proposals by raising several objections. One of the grounds was that the petitioner did not enclose the 'No Objection Certificate' from the State Government. It was also indicated that the proposal of the petitioner would be carried forward, for the session of 2005-2006.

Petitioner approached respondents 2 and 4 for the issuance of "No Objection

Certificate". It pleaded that it intends to establish a college for disabled. The 2nd respondent called for report from the 4th respondent in this regard. Through his proceedings Rc.No.2176/N2-2/2004, dated 14.12.2004, the 4th respondent informed that the NCTE itself is intending to establish colleges for disabled, duly entering into a Memorandum of Understanding with the Rehabilitation Council of India. It was also stated that he was directed to await the further steps. The petitioner challenges the said proceedings.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The copies of the correspondence that are placed before this Court, disclose that the petitioner intended to establish a College of Education, for the benefit of disabled. The application was not considered by the 1st respondent on the ground that the respondents 2 and 4 did not issue any 'No Objection Certificate'. When the petitioner approached them, the 4th respondent verified the matter and on being told by the NCTE, that the colleges for disabled are proposed to be established by themselves, by entering into a Memorandum of Understanding with the Rehabilitation Council of India, he communicated the same to the petitioner.

Grant of No Objection Certificate is always in the discretion of the Government and several factors in relation thereto, are to be taken into account. The decision, communicated by the 4th respondent through the impugned proceedings, cannot be said to be either outside the scope of the discretion, or arbitrary. At any rate, the request was rejected and turned down about one year back. If the petitioner is serious about its efforts, it can renew its request for the ensuing academic year.

Therefore, the writ petition is disposed of leaving it open to the petitioner to make fresh application in this regard. If such application is filed, it shall be considered on its own merits. There shall be no orders as to costs.

23.09.2005

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